

instigation of the Examiner, who had determined that all of the pending claims were allowable with the exception of Claim 63, which lacked certain language set forth in other claims. The undersigned proposed language to be added to Claim 63 to make it more consistent with the claims deemed allowable. After discussion it was agreed that Claim 63 be amended to require that the negative bar code comprise *light-reflecting segments with spaces separating the light-reflecting segments, wherein the light-reflecting segments and the light absorbing spaces define a negative image bar code.*

No exhibits or prior art were discussed, and the Examiner agreed that the proposed amendment placed Claim 63 in condition for allowance.

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In the Examiner's statement of reasons for allowance, the Examiner states that "[t]he primary reasons for allowance is the inclusion of a negative image bar code wherein the plastic itself defines a light absorbing space that separates light-reflecting segments to define a negative image bar code."

Applicants believe this statement of reasons for allowance would be more complete by setting forth the entire combination found in the claims that distinguishes them over the prior art of record. Turning to Claim 1, for example, Claim 1 is directed

to a medical container having a negative image bar code. The container comprises transparent plastic film. A plurality of light-reflecting segments are disposed on that film. The container film itself defines light-absorbing segments between the light-reflecting segments.

However, Claim 1 does not end there. Importantly, as further set forth in Claim 1, the light-reflecting segments and the light-absorbing segments "define a negative image bar code representing fixed and variable information". According to Claim 1, the variable information comprises at least one selected from the group consisting of lot number, batch number, expiration date, serial number, production time, price and concentration. As specifically noted in the application, prior hot stamping systems for printing bar codes are particularly unsuited for printing variable information, which changes relatively frequently, such as by the minute, hour or day. As set forth in Claim 1, the negative image bar code contains both fixed and variable information which is detectable using a reader. This combination is neither disclosed nor suggested by the prior art of record or the additional information discussed below.

PRIOR ART

By way of the Information Disclosure Statement accompanying the present remarks, Applicants wish to supplement its prior disclosure of the application for Japanese Patent No. 2802975. An EPO English-language abstract of the Laid-Open Publication for this patent was cited by the Applicants in the Information Disclosure Statement filed October 23, 2002 and was considered by the Examiner. Out of an abundance of caution, however, the complete Japanese publication is being brought to this Examiner's attention. Specifically, the complete Japanese-language patent and both a human and a machine translation into English of the corresponding Laid-Open Publication No. 6-155887, published June 3, 1994, are being provided.

To the extent that the Japanese patent/patent application discloses a bar code in which light-reflecting areas are printed onto the surface of a container made of a light-transmitting material, it is comparable to the previously cited PCT International Publication No. WO 99/49408, cited by the Applicants in the Information Disclosure Statement filed July 1, 2002 and considered by the Examiner. This PCT Publication was also discussed in the specification of the pending application at paragraph [0015] of the published application, U.S. 2003/0047616 A1.

In view of the foregoing, and for all the reasons previously submitted in this extended prosecution, including the arguments made in the recent Brief on Appeal, it is believed that the pending claims, having already been deemed allowable by the Examiner over the above-identified PCT published application and the abstract for the Japanese reference, are also allowable over the complete Japanese reference. Accordingly, an early Office Action comprising a Notice of Allowability is earnestly solicited.

Respectfully submitted,


Gary W. McFarron
Registration No. 27,357

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street - #2850
Chicago, IL 60606
(312) 236-8500